

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/22/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREEN MOUNTAIN HOLDINGS
(CAYMAN) LTD.,

Plaintiff,

-against-

ADAM B. TANTLEFF, et al.,

Defendants.

1:21-cv-7002 (MKV)

ORDER TO SHOW CAUSE

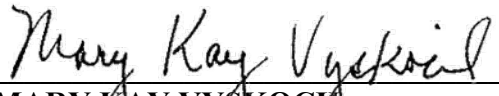
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on August 19, 2021. [ECF No. 1]. On February 1, 2022, Plaintiff filed a Motion for a Default Judgment of Foreclosure and Sale. [ECF No. 25]. On August 1, 2022, the Court denied that Motion without prejudice after concluding that Plaintiff had not met its burden to demonstrate subject matter jurisdiction in the Complaint because the diversity of Defendant The Board of Managers of 220 Riverside Boulevard at Trump Place Condominium (the “Board of Managers”) was entirely unknown. [ECF No. 40]. To cure this defect in the Complaint, Plaintiff filed a notice of voluntary dismissal only as to the Board of Managers [ECF No. 41], which the Court granted on October 19, 2022 [ECF No. 42]. As of this date, however, Plaintiff has done nothing to further prosecute its case.

Accordingly, IT IS HEREBY ORDERED that, by December 6, 2022, Plaintiff shall file a letter showing cause why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff’s counsel shall explain why he should not be sanctioned, in lieu of the harsher sanction of dismissal. Plaintiff is on notice that it is ultimately responsible for prosecuting its case, and this case may be dismissed because of its chosen counsel’s failure to comply with court orders and prosecute its case. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633-34 (1962).

SO ORDERED.

Date: November 22, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge